

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING**

DRAFT MINUTES

August 26 - 29, 2002

**(KEY: MSC = MOTION MADE, SECOND, CARRIED)
(MSF = MOTION MADE, SECOND, FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:35 AM, MONDAY, AUGUST 26, 2002 IN THE BOARDROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. BOARD CHAIRMAN WAYNE HUNSUCKER, VICE CHAIRMAN SCOTT FARR AND MEMBERS RAY LYON, BILL BERNT, AND WILL JUDGE WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR, JAKE HOWARD AND BOARD ATTORNEY, STEVE SCANLIN.

Review of Agenda: Director Howard reviewed the agenda with the Board and asked for last minute changes or recommendations. He said that a show cause hearing with David Shillinger had been postponed and that he had scheduled a presentation from Access Idaho in that time slot on the agenda.

June Board Minutes - Director Howard provided a draft copy of the June Board minutes for Board review and approval. The Board asked that several editorial changes be made. They also discussed that in the future the minutes not disseminating to the public or posted on the IOGLB Website until all the Board members have had a chance to review the minutes. Several of the members were concerned that it is hard for them to quickly review the minutes because as outfitters they were often in the backcountry and were inaccessible. They suggested on a trial basis that the Board allow themselves 30 days from the date they receive the draft minutes to review them and get comments back to the Executive Director. (MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER - YEA) – TO APPROVE THE BOARD MINUTES FROM THE JUNE MEETING WITH EDITORIAL CHANGES MADE.

Financial Report - Director Howard discussed FY 02 year closeout and that approximately \$19,000 was left uncommitted at the end of the fiscal year. He reported that these funds would roll over into the fund balance. He showed the Board a financial plan that they had requested at the June Board meeting. This was developed primarily to allow the Enforcement Supervisor to track spending. He presented the OGLB financial report as of July 31. (MOTION BY JUDGE, SECOND BY BERNT – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) – TO APPROVE FINANCIAL REPORT AS PRESENTED.

Board Elections - Director Howard reminded the Board that annually the Board must elect officers and that this was overlooked in the June Board meeting. (MOTION BY JUDGE,

SECOND BY BERNT – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) – TO RETAIN EXISTING BOARD, BOARD CHAIRMAN, WAYNE HUNSUCKER AND VICE CHAIRMAN SCOTT FARR.

December Board Meeting - Director Howard asked the Board to confirm the December Board Meeting Dates. It was agreed that the IOGLB would meet Sunday, Dec. 8, Monday Dec. 9 and Friday Dec. 13. The Board discussed the historical significance of this meeting being held to coincide with the Idaho Outfitter's and Guide Association (IOGA) Annual meeting. This allows the IOGLB, and staff, an opportunity to interface with a significant number of Idaho Outfitters. The Board asked Director Howard to work with IOGA Association Executive Director to schedule the following activities: the IOGLB Interagency Meeting (December 12) that he would facilitate, a presentation to the general membership concerning IOGLB activities, a work session on allocation and a work session on the application - amendment process.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY JUDGE – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:00 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER - YEA) AT 10:10 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Directors Report: License Status - As of 8/23/02, 406 Outfitters, 291 Designated Agents and 1721 Guides had been licensed compared to 405 Outfitters, 281 Designated Agents and 1791 Guides last year. He stated that the licensing had slowed down and staff was issuing licenses within two days of receipt by mid July. Almost 200 pull forward requests had been made since May 14. New Participants - There were 9 new outfitters, 9 new designated agents and 230 new guides since the June meeting. Expired Licenses - The Director reported that 27 Outfitters had not renewed their licenses by the end of the license year (June 31) and that a certified letter had been sent to those outfitters. Of those, 10 licenses were relinquished. He reported that there are several vacated operating areas that need to be researched and that may be available for new applications. Non-Use – Director Howard reported that he had further researched non-use since the last Board meeting and reviewed non-use status of 11 outfitters. There was discussion that the non-use policy had not been strictly enforced in the past and that in the future it needed to be. The Board clarified the non-use policy: Non-use requests must to be made by the outfitter well before the end of the licensing year and that all requests for a non-use waiver should be brought before the Board by the end of the licensing year, June 31. Also, prior use must have been established in order for an outfitter to have standing for a non-use waiver.

Cee/Bar Dee Relinquished License - Following the Director Howard's report, discussion continued concerning the vacated areas previously held by Cee/Bar Dee. Director Howard reported that staff had been contacted by several outfitters who are interested in amending part

of Cee/Bar Dee's operating area in Units 10 and 10a and a waiting list has been started. He said that rules require the vacated areas to be advertised. Also, he reported that he had talked with the USFS representative for that area and he recommends that the area should not be continued as a stand-alone operation. He said that this vacated area is a little unusual because part of the operating area is managed by the USFS and another part is managed by the Idaho Department of Lands and there are some over lapping hunting activities occurring that should be considered in re-licensing the areas.

(MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) - DIRECT IOGLB STAFF TO WORK COOPERATIVELY WITH THE USFS AND IDAHO DEPARTMENT OF LANDS IN SEEKING APPLICATIONS FROM EXISTING OUTFITTERS WITH ADJACENT OPERATIONS TO VACATED CEE/BAR DEE OPERATING AREAS IN UNITS 10 AND 10A. THE OPERATING AREAS MAYBE SPLIT BETWEEN OUTFITTERS. EXISTING USE WILL BE CONSIDERED AND THE BOARD'S INTENT IS TO NOT OVERLAP AREAS OR ACTIVITIES.

Bear and Cougar Meeting - Director Howard provided the Board a report on the meeting in which he participated. Included were Region 2, Idaho Department of Fish and Game and several USFS Districts in Units 10 and 12 where IDFG is hoping to improve Cougar and Bear harvest with the help of Outfitters. They are doing this to improve elk calf survival and ultimately the elk herd in those areas. He felt that some positive steps were being taken to address some the issues that the Board identified in their June 12 meeting in Orofino. He said that he planned to attend a follow-up meeting in Kamiah in September. **Outfitted Turkey Hunts** - He said that he hopes to send out a notice early this fall taking application so existing outfitters may begin providing turkey hunting on their deeded property as determined in the June Board meeting. Also, he intends to contact the USFS and BLM to initiate the MOU process with intent of addressing an apparent need for outfitted turkey hunting on federal property. The Board discussed the importance of outfitters being able to tie turkey hunting together with bear and cougar hunting opportunities. This could enhance non-resident hunting opportunity in Idaho in the future. This would be important in areas like Units 10 and 12 where IDFG is trying to increase harvest. **Darl Allred** - Director Howard reported that he had met with Steve Tobiason and Darl Allred as directed by the Board at the June meeting to discuss any new issues that Mr. Allred might have concerning a long standing dispute. Director Howard said he clarified the definition of a suspended license verses a revoked license. He said that Mr. Allred agreed that he and the IOGLB may never come to complete understanding on the dispute but that he was willing to recognize this and considered the matter closed. He said that he wants the IOGLB to closely follow it rules in the future regard vacated areas and awarding new licenses.

Outfitting on Private Held Lands - The Board discussed the need to develop a more comprehensive policy of issuing Outfitter licenses on private held lands. **(MOTION BY FARR, SECOND BY BERNT – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA)** THE

EXECUTIVE DIRECTOR IS DIRECTED TO ORGANIZE A SUMMIT OF REPRESENTATIVES FROM THE GOVERNOR’S OFFICE, STATE AND FEDERAL LAND MANAGEMENT AGENCIES, THE IDAHO DEPARTMENT OF FISH AND GAME, DEPT. OF AGRICULTURE, NEIGHBORING STATE AGENCIES, PRIVATE LAND OWNERS, LEGISLATORS, OUTFITTERS, REPRESENTATIVES OF THE TOURISM INDUSTRY AND INTERESTED MEMBERS OF THE PUBLIC WHERE THE PARTICIPANTS WOULD BE CHARGED WITH DETERMINING THE APPROPRIATENESS OF OUTFITTING ON PRIVATE LANDS STATEWIDE AND WITH DEVELOPING RECOMMENDATIONS FOR OUTFITTING APPROPRIATE ACTIVITIES ON THESE LANDS

Technical Records Report - Leanne Reincke - New Application - Ms. Reincke presented a detailed status report on new Outfitter applications. Of the 19 new outfitter applications backlogged at the time Director Howard was hired, Thirteen (13) have been completed. The remaining 6 applications are very complex applications requiring additional research, involvement with external agencies and time from the Director. She reported that progress was being made on all of them. Of the 6 new outfitter applications received since he was hired several are near completion with the rest to be completed early this fall. **Amendment Report** - Reported that there the 23 outfitter amendments back logged at the time Director Howard was hired Ten (10) have been completed. She reported that progress was being made on the remaining 13 amendments. Of the 12 new outfitter amendments received since he was hired 5 are complete with the rest to be completed this fall. **Buy/Sell Report** - She reported that IOGLB had been notified of 8 new buy/sell agreements with none having submitted all of the paper work necessary to process them. She discussed several of them with the Board.

(MOTION BY FARR, SECOND BY JUDGE – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) BASED ON HARDSHIP CONSIDERATION REQUIRE SPICKELMIRE TO BRING LICENSE CURRENT FOR 2002 FOR SN 12 & SN 14 AND PROCESS SALE WITH HEATHER KILGORE FOLLOWING STATUTORY GUIDELINES.

Allocation Update - General allocation closed on August 1, 2002. The outfitted allocation tags that were not used went back to IDFG to be sold to hunters who had their name placed on a waiting list at IDFG headquarters. The remainder of the tags were sold on a first come, first serve basis. Listed below are the total outfitter allocated tags that went back to IDFG on August 1, 2002.

- Middle Fork Zone A 52
- Middle Fork Zone B 130
- Selway Zone 27
- Lolo Zone 87
- Elk City Zone 12

➤ Dworshak Zone	1
➤ Total	309

Ms. Reincke reported that she had not yet received a final report from IDFG to determine that totals balanced. She will report changes at the December Board meeting. **Controlled Hunt Allocation** - Controlled hunt allocation was complete on August 20, 2002. At the time of the meeting the leftover tags were available to the outfitters that still have unused certificates. This gives the outfitter a chance to market the unused tags. The total amount of unused tags as of August 21, 2002 was Deer: 18 left out of 69 and Elk: 13 left out of 98. She reported at the time of the meeting there was a discrepancy with the total amount allotted to the outfitters in deer hunt #1091 and that she and Board member Lyon were working with IDFG to resolve. She reported that the recap for both general and controlled allocation begins in December.

Allocation Manual - Board Member Ray Lyon and Ms. Reincke provided a copy of a new allocation manual that they had developed following discussion at the June Board meeting. They asked the Board members to review the manual and to comment by Sept. 30. A copy was also provided to Idaho Outfitters and Guide Association Director Grant Simonds and he was asked to provide comments back by the same date. The next step will be to edit comments into the manual and then ask the Idaho Department of Fish and Game staff to provide comments. With those comments the document will be finalized and the draft handbook will be developed and provided to the outfitters with allocated tags with comments due back in November. A final draft handbook will be presented at the IOGA conference in December and edits made. The final handbook would then be made available to outfitters and IDFG office in time for the beginning of the 2003 tag allocation process.

Attorney Report: Steve Scanlin, Administrative Counsel - Reported on legal activities since the last Board meeting including preparation of legislative idea forms, legislation and proposed rules, Lindsay license suspended for failure to pay child support, refund in Richard Cook matter and a guide who was fired by the outfitter. Due to the time schedule deadlines, legislative ideas and proposed rules had to be submitted prior to the Board meeting. They will be reviewed and revised, if necessary, at the Board meeting.

Enforcement Report – Director Howard informed the Board that Mike Best, Education/Law Enforcement Supervisor was out until Oct. 1 with continuing back problems. He provided the following written report: currently, the Bureau of Training and Enforcement has fifty-eight active cases. The Bureau has opened forty-six cases since January 1, 2002 and have closed twenty-four of these cases. The following is a numerical analysis of the active cases by year:

1999 – 2
2000 – 4
2001 – 30
2002 – 22

The Bureau of Training and Enforcement has one case (Adventures Wild – Matthew Lutz), one case (Nate Luther – guide), (North High Country Outfitters – Chad Gallagher), four cases (Salmon Mountain Outfitters – John Thomas), (Pineland Outfitters – Richard Fogal), and (Kohls Outfitting – Robin Kohls) that have been presented to Steve Tobiason, Board Prosecutor for presentation to the Board or a stipulated agreement. Education and Enforcement Supervisor Best and Agent Lewis traveled to Salmon, Idaho on July 18, 2002 to meet with the IDFG concerning an on-going investigation in the Challis area. Education and Enforcement Supervisor Best attended the Western States Wildlife Investigators Association in South Lake Tahoe, CA July 22- 25, 2002. Agent Leo Dub resigned on August 12, 2002. Active cases assigned to Leo were reassigned. Kurt Toynbee is the newest member of the Bureau of Training and Enforcement. Kurt is a Custer County Deputy with an extensive investigative background. Kurt was raised in Salmon and is very knowledgeable of Custer and Lemhi counties and the local outfitters, both legal and unlicensed.

Recessed for lunch @ 12:00 noon. Reconvened @ 1:30 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Budget Presentation - Director Howard presented the proposed FY 03-04 budget of \$483,300. He said that the budget was a maintenance budget and that no new staff, projects, or capital outlay were proposed. He said that increases were based on state formulas for benefits and inflationary cost operations. He cited the recent increase of cost of postage as an example of an inflationary increase. (MOTION BY JUDGE, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) SUBMIT THE PROPOSED BUDGET TO THE DIVISION OF FINANCIAL MANAGEMENT WITHOUT CHANGES AND ASK THE DIRECTOR TO WORK WITH THE DIVISION OF FINANCIAL MANAGEMENT TO FINALIZE THE BUDGET AS NEEDED. REPORT CHANGES AND THE FINAL BUDGET TO THE BOARD AT THE DECEMBER BOARD MEETING.

Investigation/Hearing Improvement - Steve Tobiason, IOGLB Prosecutor: Mr.

Tobiason provided a comprehensive presentation recommending a number of improvements to OGLB investigation / hearing processes. These recommendations came as a result of Board Direction and as the result of subsequent meetings between Mike Best, Steve Scanlin, Steve Tobiason, and Director Howard. Chairman Hunsucker said that the prosecutor needs to streamline the setup of witnesses and questioned whether leading questions may be asked in order to get to the point quicker during interrogation. Mr. Tobiason said that those matters had been considered that they would be addressed during forthcoming hearings later in the week. He said he would be open to further suggestions from the Board. The Board thanked the staff for their good work. Director Howard said that Mr. Best, Mr. Tobiason and Mr. Scanlin put considerable effort and thought into the recommendations. He said that he they can be implemented when Mr. Best returns.

(MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) ADOPT AS POLICY FROM STAFF RECOMMENDATIONS ON COMPLAINT INVESTIGATION AND ENFORCEMENT PROCEEDINGS: ITEM # 3 "FINANCING ISSUES", ITEM # 4 "ENFORCEMENT CITATIONS", ITEM #5 "INVESTIGATIONS", ITEM #7 "PROCEDURES MANUAL", ITEM #8 "BOARD ENFORCEMENT HEARINGS", ITEM #9 "LICENSE DENIAL APPEAL HEARINGS", ITEM #10 "EVALUATION".

(MOTION BY FARR, SECOND BY JUDGE – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) ADOPT AS POLICY FROM STAFF RECOMMENDATIONS ON THE ADMINISTRATIVE HEARING PROCESS INCLUDING INTRODUCTION STATEMENT, ITEM #1 CONTESTED CASES, ITEM #2 WRITTEN NOTICE, ITEM #3 PRESIDING OFFICER, ITEM #4 HEARING PROCEDURES, ITEM #5 HEARING FORMAT, ITEM #6 EVIDENCE, ITEM #7 ORDERS, ITEM # 8 STANDARD OF PROOF, ITEM # 9 APPLICATION.

The Board tabled discussion on the three levels of enforcement proposed during the review and asked that the staff bring back that topic at a future Board meeting for further discussion

The Board discussed the need to improve IOGLB's enforcement capabilities regarding outfitter/client agreements with the intent of improving the professionalism of the industry currently hampered by the inconsistency in agreements between outfitters and clients. The Board believes that the good public relations can come from outfitter/client agreements and that these agreements would go along way toward improving consumer confidence in Outfitters. The Board discussed developing elements in outfitter/client agreements that include a “who, what, when, where, and why” related to the agreement between an outfitter and a client. Also, included would be a refund policy and an indemnification policy. (MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) - MR. HOWARD IS DIRECTED TO DEVELOP ELEMENTS FOR OUTFITTER/CLIENT AGREEMENTS IN COOPERATION WITH THE INDUSTRY WITH THE INTENT THAT THE BOARD MAY ADOPT THEM AS GENERAL ENFORCEMENT REQUIREMENTS IN FY 2004.

The Board asked the Executive Director to develop Enforcement Citation programs. Including a list of fines.

Meeting recessed at 6:10 PM and reconvened at 8:30 AM, Tuesday, August 27, 2001 with all members present. Also present were Executive Director Jake Howard and Technical Records Specialist, Leanne Reincke.

Unit 76/78 – Application Review & Evaluation - The Board reviewed and evaluated applications/amendments for a new outfitting opportunity in Targhee/Caribou National Forest in

an area vacated by a previously licensed outfitter. The Board evaluated eight applications and decided to split the area into three operating areas. The Board then decided to award them to the two top scoring outfitters. The controlled elk tags in the area would be awarded to the top-scoring outfitter. The Board asked Director Howard, Board Member Lyon and Technical Records Specialist Reincke to research the area to determine the most equitable and appropriate split. The Board also directed Director Howard to conduct outfitter background checks before issuing licenses.

Recessed for lunch @ 12:00 noon. Reconvened @ 1:30 with all members present. Also present were Executive Director, Jake Howard and Technical Records Specialist, Leanne Reincke.

Lewis & Clark – Application Review & Evaluation - The Board reviewed and evaluated applications/amendments for a new outfitting opportunity in Salmon/Challis National Forest asking for outfitters to provide interpretive tours of the historic Lewis and Clark Trail. The Board evaluated six applications for seven separate sections of the trail. Only one section, #6, had more than one application. After discussing the matter with the Salmon/Challis National Forest representative at the meeting it was determined that three outfitters needed to be selected to provide services in that area. The Board reviewed the five applications requesting the area and selected the top three. The applications for the other areas were reviewed and it was determined that each were adequate to provide the service in the area they requested. The Board directed Director Howard to conduct outfitter background checks before issuing licenses.

Meeting recessed at 5:15 PM and reconvened at 8:30 AM, Wednesday, August 28, 2001 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Work Session – Budget Discussion

Division of Financial Management Analyst, Dave Hahn met with the Board concerning the budget process. Mr. Hahn asked the Board to carefully consider budget expenditures and asked that they consider trim costs if possible. He pointed out that budgeted expenditures for FY 2002 were approximately \$444,000. He also said that he was concerned with that the IOGLB is currently generating slightly over \$400,000 per year in revenue and at that rate; the fund balance of \$202,000 is being used at a point where it would be depleted in FY 2004 or 05. He asked that Board consider ways to increase revenue other than slowly increasing application fees. He felt that in areas where additional services were required, the users should be required to pay additional expense to provide them. He also felt that in areas such as enforcement and hearings the individuals whose activities lead to convictions should be required to pay appropriate fines and restitution costs. He pointed out that last year restitution recovery was surprisingly low. Because, the Board had gotten behind in its revenue/expenditure balance

that he felt that they would have to ask for fee increase and that it must happen either this year or next. He suggested that the Board project inflationary costs for five years out and asking the legislature to cap fees at that rate. In doing this, he suggested that the Board also ask for authority to promulgate rules to establish fees under that cap. Then the Board can promulgate rules to implement appropriate fees. This way the Board can have more control of fees and greater flexibility in managing them. He felt that many of the changes that Director Howard proposing would allow the licensing process to become more efficient and may help lower operational costs. He felt the Board might want to lower fees at some point or redirect revenues into enforcement. Right now the only way the Board can adjust fees is to ask for legislative approval one a year and those changes take 6 months to go into affect. The Board thanked Mr. Hahn for his time and advice. They invited him to attend more board meetings. Director Howard said that he was prepared to provide recommendation similar to Mr. Hahn's recommendations. Board Chairman Hunsucker expressed his concern that the IOGLB assuming management responsibility for tag allocation may be appropriate but that the costs for it should be shared with the IDFG who benefit from all tag receipts for these hunts. He felt that IOGLB funding this activity was an undo expense on the boating oriented outfitter who had got little benefit in hunting or tag allocation. He asked the Director to look into what other states are doing to cover their cost (particularly Montana and Wyoming). On a separate matter, he also questioned why a dedicated fund agency would not receive interest on its free fund balance?

Work Session – Licensing Improvement

Director Howard lead an in depth discussion concerning improvement to the licensing process. The Board approved the following:

- ❑ Improvements to the OGLB database that will streamline data entry and licensing processing.
- ❑ Multi-tasking in the licensing program to improve output from 40 licenses per day to 125 licenses per day.
- ❑ The development of the downloading capability to accommodate an "online" licensing system.
- ❑ Changes to the IOGLB filing process that will eliminate double entry filing, that will streamline licensing, and that will improve process tracking.
- ❑ Improvements to the computerized face sheet that will improve licensing, new application and amendment tracking.
- ❑ Incomplete or illegible applications would be returned to applicants with the requirement that they be resubmitted.
- ❑ The promulgation of a rule where a resubmittal fee would be required for any applications that are returned to the applicant and which must be resubmitted.
- ❑ Implement outfitter affidavits for first aid cards and eliminate the first aid card submittal process. Develop an investigative process and appropriate citations for violations.

- ❑ Change the IDFG violations review to after the issuance of licenses. Licenses would be revoked by the Director and a Board hearing scheduled when violations are discovered by licensing staff.
- ❑ Improve the credit card process. Guides will be required to use outfitter pre-approved credit cards that are authorized on the guide application form by the Outfitter. Otherwise, guides must provide a money order, cashiers check certified check or an outfitters check.
- ❑ Licensing handbook will be developed and made available to Outfitters. They will be available on the OGLB Website.
- ❑ Changes to the Director's review of individual licenses. He will only review new application and applications with "exceptions"
- ❑ Clarify use of training forms and the use of training logs.
- ❑ Put training forms on the OGLB web site.
- ❑ Moving the Outfitter renewal date to Jan 31 to encourage outfitter to be licensed before Guide licenses start coming in. This would begin in 2004.
- ❑ Promulgate a rule allowing the Director to suspend and revoke licenses.

Legislation and Proposed Rules: Mr. Scanlin reviewed the legislative idea forms submitted to DFM of the Office of the Governor and proposed rules that were submitted to the Office of Administrative Rules prior to the deadlines for doing so. The Board reviewed the legislative ideas and voted to withdraw legislation on cooperative enforcement agreements with county sheriffs, deleting language in Sec. 36-2108 relating to credit card fees and withdrawing legislation deleting section 36-2107(I) relating to annual reports to the Idaho Department of Fish and Game, and withdrawing legislation relating to releasing lists of successful controlled hunt applicants to licensed outfitters. The Board also voted to withdraw legislation relating to license fee increases in Section 36-2108. The Board also voted to delete the definition of "Land Manager Signoff" from the proposed rules, delete making administrative noncompliance subject to discipline as unethical or unprofessional conduct, amended the first aid card requirement so that an outfitter or guide must have a valid first aid card or copy in the immediate possession of the licensee and produced upon request, deleted changes in requirements for temporary employment of a guide, clarified that an application received after 90 days after the last day of the license year will not be accepted for licensure and the license is relinquished. The Board also voted to delete March 31 as the deadline for reviewing outfitter applications and provided that a guide license application must be accompanied by an affidavit by the outfitter that the applicant will have a valid first aid card while guiding and deleted proposed requirements that an outfitter's name not be visible on boats not being used for outfitting.

(MOTION BY JUDGE, SECOND BY BERNT – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) ADOPT PROPOSED LEGISLATIVE IDEAS AND RULES AND BOARD POLICY.

Recessed for lunch @ 12:00 noon. Reconvened @ 1:30 with all members present. Also present were Executive Director Jake Howard, and Board Counsel, Steve Scanlin.

Work Session - Scott Summerholter and Jeff Walker with Access Idaho - Mr. Walker demonstrated the on-line licensing system developed for the Real Estate Commission by his company and discussed the capabilities of the system. They also discussed their relationship with the State. The "on line" system is capable of allowing outfitters, and guides to enter license application or license renewal information, to pay fees and to print licenses on line. Other uses including providing training logs, submitting amendments, land manager sign off forms. Director Howard said the changes he proposed earlier are designed to accommodate on-line licensing, as are many of the legislative ideas and rules that the Board is considering. Currently, IDFG is using an "on line" system for Hunting and Fishing licenses and for distributing tags. They are doing this through a company called Great Lodge. The Access Idaho system would be compatible with the on-line functions of other agencies including IDFG. The Department of Administration has negotiated an agreement with Access Idaho for the state and nearly all agencies are using their services. Director Howard said that he has a draft contract with Access Idaho that is ready for signature and IOGLB could be on line in six weeks. The problem is that rules have to be promulgated to allow IOGLB to implement the system. The Director said that Great Lodge would also be considerably more expensive than Access Idaho to the user but felt that they were a very good service. He said there would be a small fee for access to the system once it is in place using Access Idaho and that rules for implementation of the system are included the package approved by the Board earlier in the meeting. He said that he has an understanding with Mr. Walker that IOGLB should be "on line" by mid-summer 2003. He feels when this happens data currently input by staff will be input by the applicant. This will allow for greater staff efficiency and ultimately a cost savings. More importantly applicants will be able to get their licenses immediately. The down side is that IOGLB will have to go through one more season where staff will have to input license information and then issue licenses through the mail. With some of the proposed changes in place, he feels that the up coming license year should be more efficient than last year. The staff will do everything they can to avoid the backlog that has occurred in past years.

(MOTION BY LYON, SECOND BY FARR – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) TO ENTER INTO AN AGREEMENT WITH ACCESS IDAHO TO DEVELOP AN ON LINE LICENSING SYSTEM AS SOON AS POSSIBLE.

Show Cause Hearing – David Skinner – Mr. Skinner appeared before the Board in a show cause hearing related to unethical/professional conduct and violation of a lawful rule by receiving an IDFG citation for possession and transportation of a sage grouse during closed season. Mr. Skinner pled guilty on January 2, 2002 in Owyhee County. IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345 (d), IDAHO CODE, (MOTION BY LYON, SECOND BY JUDGE – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 10:30 AM TO DISCUSS RECORDS EXEMPT FROM DISCLOSURE AS PROVIDED IN CHAPTER 3, TITLE 9 IDAHO CODE AND FOR ADJUDICATORY DELIBERATIONS IN THIS MATTER AS TO

WHETHER OR NOT A VIOLATION OCCURRED RELATIVE TO MR. DAVID SKINNER. (MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER - YEA) AT 11:00 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE. **DISPOSITION, DAVID SKINNER, SHOW CAUSE HEARING** – MSC (MOTION BY JUDGE, SECOND BY LYON – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE BOARD HEREBY ORDERS THAT: 1. RESPONDENT BE ASSESSED THE COSTS OF BRINGING THE ACTION BEFORE THE BOARD OF \$481.85 AS PROVIDED BY SECTION 36-2113(c), IDAHO CODE. IF RESPONDENT APPLIES FOR A LICENSE IN THE FUTURE, THE LICENSE SHALL BE ISSUED PROBATIONARY FOR A PERIOD OF ONE (1) YEAR WITH THE USUAL TERMS OF PROBATION TO APPLY.

Meeting recessed at 5:15 PM and reconvened at 8:30 AM, Thursday, August 29, 2001 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Disciplinary Hearing - Brandon Kay - Mr. Kay appeared before the Board in a disciplinary hearing related to supplying false or misleading information to the Board. Mr. Kay supplied false information to the Board by submitting a guide license application certifying in Section A that Respondent “had not” committed any violation of state or federal fish and game laws or outfitting and guiding law of any state. Mr. Kay had received a citation for possessing/transporting a sage grouse during closed season, and pled guilty on January 2, 2002 in Owyhee County. IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345 (d), IDAHO CODE, (MOTION BY JUDGE, SECOND BY LYON – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT APPROXIMATELY 9:30 AM TO DISCUSS RECORDS EXEMPT FROM DISCLOSURE AS PROVIDED IN CHAPTER 3, TITLE 9, IDAHO CODE AND FOR ADJUDICATORY DELIBERATIONS IN THIS MATTER AS TO WHETHER OR NOT A VIOLATION OCCURRED. (MOTION BY FARR, SECOND BY LYON – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) AT APPROXIMATELY 9:45 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

DISPOSITION – BRANDON KAY, SHOW CAUSE HEARING – (MOTION BY FARR, SECOND BY JUDGE – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) – BRANDON KAY BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW THE BOARD HEREBY ORDERS THAT: 1. RESPONDENT BE ASSESSED THE COSTS OF BRINGING THE ACTION BEFORE THE BOARD OF \$319.85. AS PROVIDED BY SECTION 36-2113 (c), IDAHO CODE. RESPONDENT’S LICENSE SHALL BE ISSUED PROBATIONARY FOR A PERIOD OF TWO (2) YEARS THOROUGH THE 2003-2004 LICENSE YEAR WITH THE USUAL TERMS OF PROBATION TO APPLY WITH THE EXCEPTION THAT HE BE PERMITTED TO

MAKE AMENDMENTS TO HIS LICENSE BUT NOT TO BE LICENSED AS HAVING A LEAD BOATMAN STATUS DURING THE PERIOD OF PROBATION.

Bart Butterfield - IDFG – Outfitter Graphic Information System (GIS) - At Director Howard's request, Mr. Butterfield demonstrated a GIS system used by the Idaho Department of Fish and Game. He was able to show Board member Judge's operating area on this system and demonstrated "layovers" with Fish and Game boundaries, the operating area's location in the state and in different scales allowing for different levels of detail. He also demonstrated how the database could be linked to on the current IOGLB database. In doing this, outfitter area maps could be made available on the Internet to users interested in certain outfitters. Mr. Butterfield told the Board that approximately 388 outfitter operating areas were digitized and are available to IOGLB. This was done about six years ago and it appears that a number of area descriptions had changed. Mr. Butterfield said that IDFG would be willing to help IOGLB get the system updated. However, he was unsure what the costs were. Director Howard said that something is needed for IOGLB to better manage operating areas. He said the current mapping system is too cumbersome and because of limited staff it has never been fully completed and what is completed has become outdated. The Board asked him to work with Mr. Butterfield to explore opportunities to cooperate in developing this mapping system.

Show Cause Hearing - Tyler Richard Fernalld - Mr. Fernalld appeared before the Board in a show cause hearing related to supplying false or misleading information to the Board. Mr. Fernalld submitted a guide application to the Board certifying in Section A that Respondent "had not been convicted of or received a withheld sentence for a felony" when Respondent received a felony conviction on March 21, 2000 in the State of Oregon, county of Umatilla. IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345 (d), IDAHO CODE, (MOTION BY JUDGE, SECOND BY LYON – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT APPROXIMATELY 9:30 AM TO DISCUSS RECORDS EXEMPT FROM DISCLOSURE AS PROVIDED IN CHAPTER 3, TITLE 9, IDAHO CODE AND FOR ADJUDICATORY DELIBERATIONS IN THIS MATTER AS TO WHETHER OR NOT A VIOLATION OCCURRED. (MOTION BY FARR, SECOND BY LYON – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) AT APPROXIMATELY 9:45 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE. **DISPOSITION – TYLER RICHARD FERNALLD, SHOW CAUSE HEARING** – (MOTION BY LYON, SECOND BY JUDGE – JUDGE, LYON, FARR, BERNT, HUNSUCKER – YEA) – TYLER RICHARD FERNALLD BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW THE BOARD HEREBY ORDERS THAT: 1. RESPONDENT BE ASSESSED AN ADMINISTRATIVE FINE OF \$300.00 FOR THE VIOLATION CONTAINED IN COUNT 1. RESPONDENT IS ORDERED TO PAY RESTITUTION TO THE OUTFITTER FOR THE AMOUNT OF THE GUIDE APPLICATION FEE AND THE COSTS OF BRINGING THE ACTION BEFORE THE BOARD OF \$481.85 AS PROVIDED BY SECTION 36-2113 (c), IDAHO CODE, FOR THE VIOLATION

CONTAINED IN COUNT TWO. RESPONDENT'S LICENSE SHALL BE SUSPENDED FOR A PERIOD OF FIVE (5) YEARS.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY JUDGE – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 10:30 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (MOTION BY FARR, SECOND BY LYON – JUDGE, FARR, BERNT, LYON, HUNSUCKER - YEA) AT 11:00 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

At 2PM Mr. Lyon excused himself from the meeting to attend to other business.

(MOTION BY JUDGE, SECOND BY FARR – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) TO TABLE FEE INCREASE THIS YEAR.

Director Howard informed the Board that he had been contacted by Jim McCarthy requesting the Board consider an amendment for guiding float boats on the Clearwater River. Director Howard reminded the Board that Mr. McCarthy was on probation and that all amendments needed to come before the Board. He said that he had talked with McCarthy about previous issues and he felt that McCarthy was making a good faith effort and recommend that McCarthy's license be amended. (MOTION BY JUDGE, SECOND BY BERNT – JUDGE, FARR, BERNT, LYON, HUNSUCKER – YEA) TO ALLOW JIM MCCARTHY'S LICENSE TO BE AMENDED FOR THIS ACTIVITY.

With no further business to come before the Board, the meeting was adjourned at 2:30 PM, August 29.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES – AUGUST 26 - 29, 2002

JAKE HOWARD, EXECUTIVE DIRECTOR